

REMARKS

The above Amendments and these Remarks are in reply to the Office Action mailed December 24, 2003. An appropriate Petition for Extension of Time to Respond is submitted herewith, together with the appropriate fee.

Claims 1-41 were pending in the Application prior to the outstanding Office Action. In the Office Action, the Examiner rejected claims 1-41. The present Response amends Claims 1, 9, 19, 23, 27, and 35, leaving for the Examiner's present consideration claims 1-41. Reconsideration of the rejections is respectfully requested.

I. Rejections under 35 U.S.C. §102(b)

Claims 1-3, 8-10, 15, and 17-18 were rejected under 35 U.S.C. §102(b) as being anticipated by *Logan* (U.S. Patent Application Publication No. US 2002/0181671).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The application for patent was filed in the United States on Dec. 18, 2001, while *Logan* was published on Dec. 5, 2002, later than the filing date of the current application. Therefore, rejections under 35 U.S.C. §102(b) do not apply to the application, and Applicants respectfully request that the rejection with respect to claims 1-3, 8-10, 15, and 17-18 be withdrawn. However, for the purpose of completeness, the following is a discussion as to why the current invention is believed patentable over the prior arts cited by the Examiner.

Logan teaches the transmission of pre-recorded messages between two parties at a time, e.g., a cellular phone and a remote telephone. The pre-recorded messages can be sent to different parties only at “different times” (page 4, column 2, section 0040, lines 8-9). Concurrently, the cellular phone can only communicate with a remote listener and send pre-recorded messages to the same remote user at any given time (page 5, column 2, claim 6). On the other hand, the application (U.S. Patent Application Publication No. US

2003/0138080) allows “people to converse with at least one party while concurrently relaying information to other parties on other channels” (page 1, column 2, section 0011, lines 1-3), and “provides the ability for a participant to deal concurrently with multiple communication channels (e.g., two or more telephone calls)” (page 2, column 2, section 0039, lines 3-5). Claim 1 has been amended to claim “providing the audible utterance over the selected second channel only while communicating over the first channel concurrently”. Claim 9 has been amended to claim that “the channel selector selects a channel responsive to the second control signal and provides the audible utterance over the selected channel only while communicating over another channel concurrently”. *Logan* therefore does not anticipate claims 1 and 9. Since claims 2-3, 8 depend on claim 1, and claims 10, 15, 17-18 depend on claim 9, respectively, *Logan* thus cannot anticipate claims 1-3, 8-10, 15, and 17-18, and Applicants respectfully request that the rejection with respect to claims 1-3, 8-10, 15, and 17-18 be withdrawn.

II. Rejections under 35 U.S.C. §103(a)

1. Claims 4-7 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Logan* in view of *Freeland, et al.* (U.S. Patent Application Publication No. US 2003/0028380) hereinafter *Freeland*.

As discussed above, *Logan* does not anticipate claim 1, which claims 4-7 depend on. *Freeland* teaches a system for generating an audio message over a communication network that is at least partly in a voice representative of a character generally recognizable to a user. It does not, however, teach concurrent communications over multiple channels. Since neither *Logan* nor *Freeland* anticipates the concurrent communication over multiple channels claimed by claim 1, claims 4-7 cannot be rendered obvious by *Logan* in view of *Freeland*, and Applicants respectfully request that the rejection with respect to claims 4-7 be withdrawn.

2. Claims 11-14 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Logan* in view of *Freeland*.

As discussed above, neither *Logan* nor *Freeland* anticipates the concurrent communication over multiple channels claimed by claim 9, which claims 11-14 and 16 depend on. Therefore, claims 11-14 and 16 cannot be rendered obvious by *Logan* in view of *Freeland*, and Applicants respectfully request that the rejection with respect to claims 11-14 and 16 be withdrawn.

3. Claims 19-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Logan* in view of *Danielson, et al.* (U.S. Patent No. 6,266,685), hereinafter *Danielson*.

Claim 19 has been amended to include that “the processing device provides an audible utterance only over the channel associated with said second code in response to reading the first code and the second code while communicating over another channel concurrently”. Since *Logan* only teaches communication over one channel at a time, it does not anticipate claim 19. *Danielson* teaches a hand-held data input system using a scanner, but it does not teach communicating concurrently over multiple channels. Therefore, neither *Logan* nor *Danielson* anticipates the concurrent communication over multiple channels claimed by claim 19. Since claims 20-22 depend on claim 19, claims 19-22 cannot be rendered obvious by *Logan* in view of *Danielson*, and Applicants respectfully request that the rejection with respect to claims 19-22 be withdrawn.

4. Claims 23 and 25-26 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Logan* in view of *Freeland*.

Claim 23 has been amended to include that the channel selector “provides the audible utterance over the selected channel only while communicating over another channel concurrently”. Since *Logan* only teaches communication over one channel at a time, it does not anticipate claim 23. As discussed above, *Freeland* does not teach concurrent communications over multiple channels, therefore, neither *Logan* nor *Freeland* anticipates the concurrent communication over multiple channels claimed by claim 23. Since claims 25-26 depend on claim 23, claims 23 and 25-26 cannot be rendered obvious by *Logan* in view of *Freeland*, and Applicants respectfully request that the rejection with respect to claims 23 and 25-26 be withdrawn.

5. Claim 24 was rejected under 35 U.S.C. §103(a) as being unpatentable over Logan in view of Freeland, et al. as applied to claim 23, and further in view of *L'Esperance, et al.* (U.S. Patent Application Publication No. US 2002/0055844), hereinafter *L'Esperance*.

Claim 24 depends on claim 23, which can not be anticipated by *Logan* in view of *Freeland* as discussed above. *L'Esperance* discloses a handheld electronic device that has multiple application processes, it does not teach concurrent communication over multiple channels either. Therefore, neither *Logan* nor *Freeland* nor *L'Esperance* anticipates the concurrent communication over multiple channels claimed by claim 24, and claim 24 cannot be rendered obvious by *Logan* in view of *Freeland*, and further in view of *L'Esperance*, and Applicants respectfully request that the rejection with respect to claim 24 be withdrawn.

6. Claims 27-34 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Wellner, et al.* (U.S. Patent No. 6,628,767) in view of *Logan*.

Claim 27 has been amended to include that a software program for “providing an audible utterance over the selected first or second channel only in response to a selected phrase representation while permitting the third electronic device to communicate concurrently over the unselected second or first channel”. *Wellner* teaches a system to allow a participant of a conference call to view a displayed list of speakers on a web browser and send a text (not audible as in claim 27) message to another participant. Unlike a conference call, the concurrent multi-channel communication claimed by the current invention provides the audible utterance over a selected channel only without sharing it with a concurrent communication over another channel. As discussed before, *Logan* only teaches communication over one channel at a time. Therefore, neither *Wellner* nor *Logan* anticipates the concurrent communication over multiple channels claimed by claim 27. Since claims 28-34 depend on claim 27, claims 27-34 cannot be rendered obvious over *Wellner* in view of *Logan*, and Applicants respectfully request that the rejection with respect to claim 27-34 be withdrawn.

7. Claims 35, 37-38 and 40 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Logan* in view of *Mack, II et al.* (U.S. Patent No. 6,510,325), hereinafter *Mack*.

Claim 35 has been amended to include “generating an audible utterance only over said selected channel based on said selected phrase representation while communicating over the first channel concurrently”. As discussed before, *Logan* only teaches communicating over one channel at a time, so it does not anticipate claim 35. *Mack* teaches a communication and entertainment device in which a cellular telephone is unfolded to form a headset, it does not teach concurrent communication over multiple channels either. Therefore, neither *Logan* nor *Mack* anticipates the concurrent communication over multiple channels claimed by claim 35. Since claims 37-38 and 40 depend on claim 35, claims 35, 37-38 and 40 cannot be rendered obvious by *Logan* in view of *Mack*, and Applicants respectfully request that the rejection with respect to claims 35, 37-38 and 40 be withdrawn.

8. Claim 36 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Logan* in view of *Mack* as applied to claim 35, and further in view of *Laursen, et al.* (U.S. Patent Application Publication No. US2003/0002448), hereinafter *Laursen*.

Laursen teaches distributed conference bridge processing in Voice-over IP telephony. As discussed above, the current invention is distinguishable from conference calls, so *Laursen* cannot anticipate claim 35 which claim 36 depends on. Furthermore, claim 35 cannot be rendered obvious by *Logan* in view of *Mack*, as discussed above. Therefore, neither *Logan* nor *Mack* nor *Laursen* anticipates the concurrent communication over multiple channels claimed by claim 36, and claim 36 cannot be rendered obvious by *Logan* in view of *Mack*, and further in view of *Laursen*, and Applicants respectfully request that the rejection with respect to claim 36 be withdrawn.

9. Claim 39 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Logan* in view of *Mack* as applied to claim 38, and further in view of *Freeland*.

As discussed above, *Freeland* teaches a system for converting text into a voice message; it does not teach concurrent communication over multiple channels, and therefore does not anticipate claim 35,

which claim 39 depends on. Therefore, neither *Logan* nor *Mack* nor *Freeland* anticipates the concurrent communication over multiple channels claimed by claim 35, and claim 39 cannot be rendered obvious by *Logan* in view of *Mack*, and further in view of *Freeland*, and Applicants respectfully request that the rejection with respect to claim 39 be withdrawn.

10. Claim 41 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Logan* in view of *Mack* as applied to claim 40, and further in view of *Freeland*.

Claim 41 depends on claim 35, which cannot be rendered obvious by *Logan* in view of *Mack*, and further in view of *Freeland* as discussed above. Therefore, Applicants respectfully request that the rejection with respect to claim 41 be withdrawn.

III. Conclusion

The references cited by the Examiner but not relied upon have been reviewed, but are not believed to render the claims unpatentable.

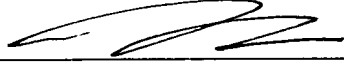
In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent.

Enclosed is a PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. §1.136 for extending the time to respond up to and including May 24, 2004.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: 5/4/04

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